Writ Petition No. 457 (S/S) of 2003

Smt. Kalpana Kumar----- Petitioner

Versus

Director of Education and others…… Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri S.S. Yadav learned counsel for the petitioner and learned Standing Counsel.

The petitioner who was initially appointed as assistant teacher in L.T.grade on 19.9.1998 in Government Girls High School, Syalde district Almora. On 13.6.2002 she was transferred to Government Girls High School, Jaspur district Udham Singh Nagar. Again vide order dated 30.6.2003 the petitioner has been transferred from Government Girls High School, Jaspur district Udham Singh Nagar to Government Girls High School, Syalde district Almora. The petitioner has challenged this order on the ground that the transfer order is against the policy of transfer. Secondly, the petitioner has been transferred without passing order on the option submitted by the petitioner for State of U.P. The transfer has been passed with mala fide intention and further she has been transferred twice in a year. The learned counsel for the petitioner has submitted that the government has issued order framing transfer policy. The government order does not have any statutory force and the petitioner cannot take the benefit of government order. The learned counsel for the petitioner has further submitted that she has opted for State of U.P. and since she will be relieved to U.P., it is not proper for the State of Uttaranchal to transfer the petitioner till the government takes decision on the option submitted by the petitioner. I do not find any force in the submission submitted by the learned counsel for the petitioner. Till the petitioner is working in Uttaranchal the State of Uttaranchal has right to transfer the petitioner any where within the territory of Uttaranchal. The learned counsel for the petitioner has further submitted that the transfer order has been passed with mala fide intention. There is nothing on record to show that the transfer order has been passed by the Joint Director of Education with mala fide intention. The present transfer order has been passed on the ground that the petitioner is working at the presence place

against inconsistent subject and so on that ground the petitioner is being transferred. It appears that the petitioner has obtained earlier transfer order in the year 2002 by misrepresentation of facts or by some influence. The State of Uttaranchal has framed a policy for transfer in the year 2002 that the teachers who are working against inconsistent subject should be transferred where they are needed and there is nothing wrong in the transfer order.

For the reasons stated above the writ petition is dismissed. No order as to costs.

(M.M. Ghildiyal, J.)

July 21, 2003
MPS